



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify under 37 C.F.R. 1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as **EXPRESS MAIL #EV 238066829 US** on the date indicated below and in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

[X] If checked, two copies of this correspondence are enclosed.

Date of Deposit:

1-30-2004

Signature

Alan F. Feeney

Printed name of person mailing correspondence

Applicant:	IGNATIOUS, Francis X.	Art Unit:	1631
Serial No.:	09/744,350	Examiner:	BORIN, MICHAEL L.
Filed:	May 22, 2001		
Title:	ENCAPSULATION OF A WATER SOLUBLE PEPTIDE		

**3rd SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- [] under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- [] under 37 CFR 1.97(b), or
(Whichever occurs last of the following: within three months of filing national application; within three months of date of entry of the national stage in international application; before the mailing date of first office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination)
- [X] under 37 CFR 1.97(c) together with either:
- [] a Statement under 37 CFR 1.97(e), as checked below, or
- [X] a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- [] under 37 CFR 1.97(d) together with:
- [] a Statement under 37 CFR 1.97(e), as checked below, and
- [] a Petition under 37 CFR 1.97(d)(2), and
- [] a \$130.00 petition fee set forth in 37 CFR 1.17(i).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
- [] Applicant requests that the attached IDS and cited reference(s) [] be placed in the application filewrapper.
(Filed after payment of issue fee)
- [X] Some of the listed references were cited in a European Search Report in a counterpart European application or cited in a communication from a foreign patent office in a counterpart foreign application.

- ☒ Enclosed herewith is form PTO/SB/08B (2 pages), with a copy of each reference noted thereon.
- ☐ Copies of the reference(s) noted on the enclosed form PTO/SB/08 were previously cited by or submitted to the Patent and Trademark Office in connection with U.S. Application Serial No. [], from which the present application claims benefit under 35 U.S.C. § 120 (37 C.F.R. 1.98(d)).

Concise Explanation Requirement (non-English references):

- ☐ The "concise explanation" requirement for reference(s) under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ the enclosed English language abstracts.

It is requested that the information disclosed herein be made of record in this application, and that the references listed on the enclosed form PTO/SB/08B appear under the "References Cited" heading of any Patent which issues from this application, (MPEP 1302.12).

Statement Under 37 CFR 1.97(e):

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.
- ☒ No fee is believed to be due for this submission, however, Applicant(s) hereby authorize the Commissioner to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. Two copies of this Statement are enclosed.
- ☐ The Commissioner is hereby authorized to charge any deficiency in fees and credit any overpayment to Deposit Account 50-0590. Two copies of this Statement are enclosed.

Respectfully submitted,

BIOMEASURE, INCORPORATED

Dated: 1-30-2004

By 

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PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 00537-181002		APPLICATION NO. 09/744,350			
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		APPLICANT IGNATIUS, Francis X.					
		FILING DATE 05/22/2001		EXAMINER/ART UNIT BORIN, M. / 1631			
U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	DA						
	DB						
	DC						
	DD						
	DE						
	DF						
	DG						
	DH						
	DI						
	DJ						
	DK						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	DL	WO 97/39738	10/30/1997	PCT			
	DM	WO 93/24150	12/09/1993	PCT			
	DN						
	DO						
	DP						
	DQ						
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	DR	HERMANN, J., et al. "Biodegradable, Somatostatin Acetate Containing Microspheres Prepared by Various Aqueous and Non-aqueous Solvent Evaporation Methods," European Journal of Pharmaceutics and Biopharmaceutics 45(1998):75-82.					
EXAMINER				DATE CONSIDERED			